

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 CHAD MCFARLIN,
5 Individually and on
6 behalf of similarly
7 situated persons,

8 Plaintiff,

9 V

10 No. 2:16-cv-12536
11 Hon. Gershwin A. Drain

12 THE WORD ENTERPRISES,
13 LLC, THE WORD ENTERPRISES
14 HASLETT, LLC, THE WORD
15 ENTERPRISES LANSING, LLC,
16 THE WORD ENTERPRISES
17 OWOSSO, LLC, THE WORD
18 ENTERPRISES PERRY, LLC,
19 THE WORD ENTERPRISES ST.
20 JOHNS, LLC, DITTRICH
21 INVESTMENTS II, INC., and
22 KEVIN DITTRICH,

23 Defendants.

24 /

25 DEPOSITION OF CHAD MCFARLIN

Taken by the Defendant on Monday, November 6, 2017, at
Loomis, Ewert, Parsley, Davis and Gotting, PC, 124 West
Allegan, Suite 700, Lansing, Michigan at 10:00 a.m.

Reported by: Nicole L. Roe, CSR 5906

1 A No.

2 Q Who was your supervisor while you were employed as a
3 delivery driver?

4 A Matt Farr.

5 Q And Mr. Farr worked at the Perry store?

6 A Correct.

7 Q Did you deal with any other managers at the Perry
8 store while you worked there?

9 A Yeah. We had more than one manager.

10 Q Who were the other managers?

11 A Dennis, I don't know his last name.

12 Q Okay.

13 A Dahlia was an assistant manager.

14 Q Anyone else?

15 A Not that I know of.

16 Q You mentioned Matt Farr first as your supervisor. Why
17 is that?

18 A He was the one in charge of the store.

19 Q And how did his responsibilities differ from Dennis
20 and Dahlia?

21 A I don't know.

22 Q When you were hired at Hungry Howie's in Perry were
23 you told how you would be compensated?

24 A Yes.

25 Q Were you told you would receive an hourly wage?

1 A Yes.

2 Q Were you told you would receive a delivery fee?

3 A Yes.

4 Q Were you told you would receive tips?

5 A Yes.

6 Q When you worked at Hungry Howie's in Perry did you
7 keep all your tips?

8 A Yes.

9 Q Were you told that there would be a tip credit applied
10 to your cash wage?

11 A For credit slips.

12 Q What does that mean?

13 A When somebody paid with a credit card, they would
14 either have the tip on there already or they would
15 write in the tip.

16 Q Okay. And that was a credit as far as you knew?

17 A That's just what they tipped.

18 Q Okay. So when someone paid with a credit card, um,
19 how would you get the tip money from that credit card?

20 A At the end of the night all the drivers were cashed
21 out, and so they would add that up at the end of the
22 night.

23 Q Okay. And you received some tips in cash, correct?

24 A Correct.

25 Q And did you keep the cash?

1 A Yes.

2 Q And you didn't turn any of it in, you kept it all?

3 A Correct.

4 Q How much was the cash wage portion of your
5 compensation when you worked at Hungry Howie's?

6 MR. BLANCHARD: Object to the form of the
7 question.

8 THE WITNESS: I don't know.

9 BY MR. THEUER:

10 Q How did you know how much you made when you worked at
11 Hungry Howie's?

12 A I made minimum or at very close to minimum wage while
13 I was at Hungry Howie's.

14 Q Okay. How do you know you made minimum or close to
15 it?

16 A Because I was told what I was being paid on a per
17 hourly basis?

18 Q Were you being told you were being paid on a per
19 hourly basis.

20 A I don't know the exact number.

21 Q When you hired on at Hungry Howie's, were you given an
22 employment package?

23 A I don't recall.

24 Q Do you ever recall seeing a Hungry Howie's handbook?

25 A No.

1 Q Is it possible you received it and don't recall it?

2 A It could be possible.

3 Q Do you recall seeing posted employment notices on the
4 wall at the Perry location?

5 A Could you repeat that?

6 Q When you worked at the Perry location, do you recall
7 seeing Department of Labor notices on the wall?

8 A Yes.

9 Q Do you recall one describing what's called a tip
10 credit?

11 A Yes.

12 Q Sitting here today do you recall the contents of that
13 tip credit post?

14 A No.

15 Q What type of a vehicle did you use for deliveries
16 while you worked at Hungry Howie's?

17 A Chevy Sonic.

18 Q And when did you get the Chevy Sonic?

19 A I don't remember.

20 Q Who purchased the car?

21 A My wife.

22 Q And is your wife Christina Baumchen, is that how it's
23 said?

24 A Yeah.

25 Q How long have you been married?